

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 74

AN ACT TO AMEND THE PENSION PLANS IN THE PUBLIC AND PARAPUBLIC SECTORS AND OTHER LEGISLATIVE PROVISIONS

Bill 133

Introduced by Mr Daniel Johnson, Minister for Administration and the Public Service and
Chairman of the Conseil du trésor

Introduced 11 November 1993

Passage in principle 2 December 1993

Passage 15 December 1993

Assented to 17 December 1993

**Coming into force: 17 December 1993, except section 3, which will come into force on 1 April
1994**

Acts amended:

Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)

Public Service Act (R.S.Q., chapter F-3.1.1)

Police Act (R.S.Q., chapter P-13)

Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1)

Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)



CHAPTER 74

An Act to amend the pension plans in the public and parapublic sectors and other legislative provisions

[Assented to 17 December 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

c. C-34,
s. 21, am. **1.** Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 137 of chapter 21 of the statutes of 1992 and by section 92 of chapter 15 of the statutes of 1993, is again amended by replacing the words “brought under paragraph 2 of section 181 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the third, fourth and fifth lines of paragraph *p* by the words “referred under the third paragraph of section 180 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) or brought under paragraph 2 of section 181 of that Act,”.

PUBLIC SERVICE ACT

c. F-3.1.1,
s. 64, am. **2.** Section 64 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended by replacing the words “des fonctionnaires provinciaux du Québec” in the first line by the words “de la fonction publique du Québec inc.”.

POLICE ACT

c. P-13,
s. 60, am. **3.** Section 60 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the words “the annuities, other benefits or reimbursement of the contributions payable under such superannuation plan from the said date shall be paid out of the consolidated revenue fund” in the fourth, fifth and sixth lines by the words “all sums required for the purposes of such a plan shall be taken

out of the consolidated revenue fund, except the sums required for the administration of the plan, which shall be granted annually by Parliament”.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

c. R-9.1,
s. 3, am.

4. Section 3 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting the word “laicized” before the word “teacher” in the first line of subparagraph 5 of the first paragraph.

c. R-9.1,
s. 59.1, am.

5. Section 59.1 of the said Act, amended by section 11 of chapter 67 of the statutes of 1992 and by section 4 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

c. R-9.1,
s. 59.1.1,
added

6. The said Act is amended by inserting, after section 59.1, the following section:

Final
decision

“59.1.1 Notwithstanding section 59.1, an employee who makes an application for reexamination in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the Comité de retraite or the arbitrator, as the case may be, has been mailed, the Commission shall send a notice to the employee which, as of the date of the redemption proposal, repeats or modifies that proposal, and section 59.1 applies.

Interest

Any unpaid amount in respect of the redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission’s notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

c. R-9.2,
s. 132.1,
am.

7. Section 132.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2), amended by section 27 of chapter 67 of the statutes of 1992 and by section 9 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

c. R-9.2,
s. 132.1.1,
added

8. The said Act is amended by inserting, after section 132.1, the following section:

Final
decision

“132.1.1 Notwithstanding section 132.1, an employee who makes an application for review in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the review committee or the Commission des affaires sociales, as the case may be, has been mailed, the Commission administrative des régimes de retraite et d’assurances shall send a notice to the employee which, as of the date of the redemption proposal, repeats or modifies that proposal, and section 132.1 applies.

Interest

Any unpaid amount in respect of the redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission’s notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

c. R-9.2,
s. 141, am.

9. Section 141 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “The Government shall also appoint a substitute for each member, in the same manner, to replace that member whenever he is absent or unable to act.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,
s. 180, am.

10. Section 180 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by adding, at the end, the following paragraphs:

Presumption

“However, where no decision is made because opinions are equally divided, the decision of the Commission is deemed to be maintained and the request for reexamination shall be referred for a decision to the arbitrator or to the Commission des affaires sociales, according to the cases set out in section 181.

Application
for arbitra-
tion or
appeal

The Comité de retraite shall notify the parties without delay, and the provisions applicable to an application for arbitration or appeal, as the case may be, apply with the necessary changes. The committee shall send the employee’s or beneficiary’s request for reexamination to the arbitrator or the Commission des affaires sociales, within the time prescribed in such provisions, and in the case of an appeal the

request constitutes the written declaration required under section 32 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34).”

c. R-10,
s. 216.1,
am.

11. Section 216.1 of the said Act, amended by section 49 of chapter 67 of the statutes of 1992 and by section 30 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

c. R-10,
s. 216.1.1,
added

12. The said Act is amended by inserting, after section 216.1, the following section:

Final
decision

“216.1.1 Notwithstanding section 216.1, an employee who makes a request for reexamination in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his request. After the decision of the Comité de retraite or the arbitrator, as the case may be, has been mailed, the Commission shall send a notice to the employee which, as of the date of the redemption proposal, repeats or modifies that proposal, and section 216.1 applies.

Interest

Any unpaid amount in respect of the redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, at the rate in force on the date on which the application for redemption is received, from the date of that proposal until the date of the Commission’s notice, unless interest is otherwise payable for that period by operation of law.”

c. R-10,
Sched. I,
am.

13. Schedule I to the said Act, amended by Orders in Council 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992, 1263-92 of 1 September 1992, 1666-92 of 25 November 1992, 327-93 of 17 March 1993, 1202-93 of 1 September 1993 and 1573-93 of 17 November 1993 and by section 293 of chapter 21 of the statutes of 1992, section 71 of chapter 44 of the statutes of 1992, section 53 of chapter 67 of the statutes of 1992, section 153 of chapter 68 of the statutes of 1992, section 65 of chapter 40 of the statutes of 1993 and section 31 of chapter 41 of the statutes of 1993, is again amended by replacing the words “the Syndicat des fonctionnaires provinciaux du Québec inc.” in paragraph 1 by the words “the Syndicat de la fonction publique du Québec inc.”.

c. R-10,
Sched. II.1,
am.

14. Schedule II.1 to the said Act, amended by Orders in Council 399-92 of 25 March 1992, 509-92 of 8 April 1992, 1205-92 of 26 August 1992, 1264-92 of 1 September 1992 and 1301-92 of 9 September 1992, is again amended by replacing the words “, the Syndicat des

fonctionnaires provinciaux du Québec inc.” by the words “the Syndicat de la fonction publique du Québec inc.”.

c. R-10,
Sched. III,
am.

15. Schedule III to the said Act, amended by Orders in Council 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992, 1263-92 of 1 September 1992, 1666-92 of 25 November 1992 and 327-93 of 17 March 1993 and by section 73 of chapter 44 of the statutes of 1992, section 45 of chapter 66 of the statutes of 1992 and section 55 of chapter 67 of the statutes of 1992, is again amended by striking out the words “the Conseil des arts et des lettres du Québec” in paragraph 1.

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11,
s. 10.1, am.

16. Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 57 of chapter 67 of the statutes of 1992, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

c. R-11,
s. 10.1.1,
added

17. The said Act is amended by inserting, after section 10.1, the following section:

Final
decision

“10.1.1 Notwithstanding section 10.1, a teacher who makes an application for review in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the Comité de retraite or the Commission des affaires sociales, as the case may be, has been mailed, the Commission administrative des régimes de retraite et d’assurances shall send a notice to the teacher which, as of the date of the redemption proposal, repeats or modifies that proposal, and section 10.1 applies.

Interest

Any unpaid amount in respect of the redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission’s notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

c. R-12,
s. 99, am.

18. Section 99 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 84 of chapter 67 of the statutes of 1992, is again amended

(1) by inserting the words “(chapter S-4.2) or by the Act respecting health services and social services for Cree and Inuit Native persons” after the words “social services” in the third line of the third paragraph;

(2) by replacing the words “the said Act” in the fifth line of the third paragraph by the words “one of the said Acts”;

(3) by replacing the words “to another body contemplated in the said Act” in the fourth and fifth lines of the fifth paragraph by the words “or by the Act respecting health services and social services for Cree and Inuit Native persons to another body contemplated in one of the said Acts”.

c. R-12,
s. 111.0.1,
am.

19. Section 111.0.1 of the said Act, amended by section 87 of chapter 67 of the statutes of 1992 and by section 43 of chapter 41 of the statutes of 1993, is again amended by inserting the words “in respect of such years or parts of years” after the word “computed” in the sixth line of the last paragraph.

c. R-12,
s. 111.0.1.1,
added

20. The said Act is amended by inserting, after section 111.0.1, the following section:

Final
decision

“111.0.1.1 Notwithstanding section 111.0.1, an officer who makes an application for review in the period during which the redemption proposal is valid is not bound to accept it during that period, or to make payments, until a final decision has been made on his application. After the decision of the Comité de retraite or the Commission des affaires sociales, as the case may be, has been mailed, the Commission administrative des régimes de retraite et d’assurances shall send a notice to the officer which, as of the date of the redemption proposal, repeats or modifies that proposal, and section 111.0.1 applies.

Interest

Any unpaid amount in respect of the redemption proposal bears interest, compounded annually and payable according to the same terms and conditions as the redemption, from the date of that proposal until the date of the Commission’s notice. The rate is that provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and in force on the date the application for redemption is received, unless interest is otherwise payable for that period by operation of law.”

c. R-12,
Sched. IV,
am.

21. Schedule IV to the said Act, amended by section 74 of chapter 44 of the statutes of 1992, section 47 of chapter 66 of the

statutes of 1992 and section 92 of chapter 67 of the statutes of 1992, is again amended by striking out the words “the Conseil des arts et des lettres du Québec”.

TRANSITIONAL AND FINAL PROVISIONS

Reduction **22.** The provisions of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37) and the provisions of any text arising out of or relating to the application of that Act and entered into or adopted on or before 17 December 1993 shall not result in a reduction of the service or salary used for the purposes of a pension plan administered by the Commission administrative des régimes de retraite et d’assurances or under which the payment of benefits is entrusted to the Commission. For that purpose, the person’s salary is the salary that would have been paid to him had it not been for the application of such provisions, and the provisions of the pension plan in which the person participates that relate to the contributions and contributory amounts apply in respect of that salary.

Reduction The first paragraph also applies in respect of any other text that arises out of or relates to the application of the said Act and that provides for the allotment of not more than three days of unpaid leave or an equivalent number of unpaid holidays or days of vacation.

Name **23.** In any regulation, order in council or order, unless the context indicates otherwise, the name “Syndicat des fonctionnaires provinciaux du Québec inc.” is replaced by the name “Syndicat de la fonction publique du Québec inc.”, with the necessary changes.

Applicability **24.** The second paragraph of section 176 of the Act respecting the Government and Public Employees Retirement Plan applies from 15 May 1992 in respect of service credited under the Teachers Pension Plan before that date, and from 1 January 1990 in respect of service credited under the Civil Service Superannuation Plan before that date.

Applicability **25.** Section 4 does not apply to persons who, before 11 November 1993, applied in writing to the Commission administrative des régimes de retraite et d’assurances to participate in the Pension Plan of Certain Teachers and who obtained a favourable decision with regard to their participation in the plan or who are awaiting a decision in that respect.

Applicability **26.** Sections 1 and 10 do not apply to any request for reexamination of a decision by the Commission administrative des

régimes de retraite et d'assurances referred before 17 December 1993 to the Comité de retraite by a subcommittee formed under section 173 of the Act respecting the Government and Public Employees Retirement Plan.

Effect **27.** Section 18 has effect from 1 October 1992.

Effect **28.** Sections 15 and 21 have effect from 7 July 1993.

Effect **29.** Sections 2, 13, 14 and 23 have effect from 16 July 1993.

Effect **30.** Sections 4 and 25 have effect from 11 November 1993.

Coming into
force **31.** This Act comes into force on 17 December 1993, except
section 3, which will come into force on 1 April 1994.